

PTO/SB/26 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

10317/002004

In re Application of: Simmonds et al.

Application No.: 10/625,720

Filed: July 22, 2003

For: Method and Apparatus for Making Measurements of Accumulations of Magnetically Susceptible Particles Combined with Analyses

The owner\*, Quantum Design Inc., of 100, percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,537,583 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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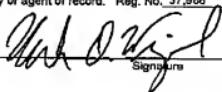
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is released; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 37,966



February 24, 2005

Date

Mark D. Wieczorek

Typed or printed name

562-244-5671

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Form PTO/SB/26 may be used for making this certification. See MPEP § 324.

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PTO/SB/07 (08-03)

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3 PAGES

S/N 10/625,720

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Terminal Disclaimer (1 page)  
Fee transmittal (1 page)

cc: Examiner Patidar 571-273-2265

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is or file (and by the USPTO to process) an application. Confidentiality is guaranteed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.5 minutes to complete. Individualizing, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

Approved for use through 07/31/2008. OMB 0511-0002

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/03/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65 .

**Complete If Known**

Application Number 10/625,720

Filing Date July 22, 2003

First Named Inventor Simmonds

Examiner Name Patidar

Art Unit 2682

Attorney Docket No. 10317/002004

**METHOD OF PAYMENT** (check all that apply) Check  Credit Card  Money Order  Nonc  Other (please identify): \_\_\_\_\_ Deposit Account Deposit Account Number 50-1187 Deposit Account Name Mark D. Wiaczorek

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

 Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge any additional fees or underpayments of fee(s) Credit any overpayments

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**FEES CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Rissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

**Small Entity****Fee (\$)**

50

25

Each independent claim over 3 (including Reissues)

200

100

Multiple dependent claims

360

180

**Total Claims****Extra Claims****Fee (\$)****Fee Paid (\$)**- 20 or HP =  x  = 

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims

**Extra Claims****Fee (\$)****Fee Paid (\$)**- 3 or HP =  x  = 

HP = highest number of independent claims paid for, if greater than 3.

**Multiple Dependent Claims****Fee (\$)****Fee Paid (\$)****3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheet or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

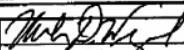
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer Fee

**Fee Paid (\$)**

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**SUBMITTED BY**Registration No.  
(Attorney/Agent) 37,968

Telephone 562-244-5671

Date 2/24/05

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